

## RULEMAKING NOTICE FORM

Notice Number \_\_\_\_\_ Rule Number Env-Wq 401 (currently Env-Ws 421)

1. Agency Name & Address:

Department of Environmental Services  
29 Hazen Drive  
P.O. Box 95  
Concord, NH 03302-0095

2. RSA Authority:

RSA 485-C:4, VII; RSA 485-C:11

3. Federal Authority:

N/A

4. Type of Action:

Adoption \_\_\_\_\_

Amendment \_\_\_\_\_

Repeal \_\_\_\_\_

Readoption \_\_\_\_\_

Readoption w/amendment

**X**

5. Short Title: Best Management Practices for Groundwater Protection

6. (a) Summary of what the rule says and the effect of the rule on those regulated:

The existing rules, Env-Ws 421, establish best management practices (BMPs) for preventing the release of regulated substances that could contaminate drinking water due to poor material handling, storage, or transfer activities. BMPs include storing regulated substances under overhead cover in securely closed containers on an impervious surface within secondary containment, using funnels and drip pans when transferring liquids to and from regulated containers, and placing spill control and cleanup materials in the work area. The rules are being revised for clarity, including adding definitions and explicitly stating that waivers can be time-limited, and are being readopted as Env-Wq 401 as part of the Department's larger redesignation efforts.

6. (b) Brief description of the groups affected:

Any individuals or entities that use, store, or otherwise handle regulated substances in containers that hold 5 gallons or more will need to follow the BMPs established in the rules.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Rule Section(s)	State Statute(s) Implemented
Env-Wq 401 (see also specific section listed below)	RSA 485-C:1; RSA 485-C:4, VII; RSA 485-C:11
Env-Wq 401.10	RSA 541-A:22, IV

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

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Title: Program Planner I

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The rules also can be viewed in PDF at  
<http://www.des.nh.gov/Rulemaking/>

TTY/TDD Access: Relay NH 1-800-735-2964 or  
dial 711 (in NH)

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8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **4:00 on Friday September 22, 2006**

☒ Fax

☒ E-mail

☐ Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Tuesday, September 12, 2006 at 9:00 a.m.**

Place: Room 111, DES Offices, 29 Hazen Drive, Concord, NH

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 06:132 , dated 8/3/06

See Attached.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

These rules do not create, modify, or expand any program in a way that requires expenditures by political subdivisions, and so do not violate Part I, Article 28-a of the N.H. Constitution.